THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.13568 OF 1995

DATED: 05-09-2006

BETWEEN

K. Nageswara Rao, S/o. K. Yellaiah,
Working as Attender Zilla Gorakshana
Mahasangam, Kurnool Town, Kurnool.

…PETITIONER

AND

The Executive Officer, Zilla Gorakshana
Mahasangam, Kurnool Town, Kurnool
and others.

…RESPONDENTS

ORDER:

Petitioner questions the order of the first respondent dated 08.06.1995 terminating him from service basing on the instructions issued by the second respondent vide proceedings dated 26.05.1995.

Different counters have been filed by the respondents 1 and 2 respectively stating that the petitioner was appointed by office order dated 30.09.1994 contrary to the instructions issued by the Commissioner of Endowments dated 20.11.1993 directing all the Subordinate Officers to fill up the vacancies in the Endowments Department only with the candidates sponsored by the Employment Exchange and any selection shall be made with prior approval of the Department. It is further stated that the circular instructions of the Commissioner shall apply to all the recruitments made in any religious and charitable institutions and Endowments governed under the provisions of the Andhra Pradesh Hindu Religious and Charitable Institutions

and Endowments Act 30 of 1987 including the institution of the first respondent which is under the control of the second respondent.

Since the appointment of the petitioner was made contrary to the said instructions, the second respondent instructed the first respondent to implement the circular instructions of the Commissioner and terminate the services of the petitioner. Therefore, it cannot be said the instructions of the second respondent are illegal when the appointment of the petitioner itself is contrary to the circular instructions of the third respondent. In view of the aforesaid facts and circumstances of the case, I am of the opinion that the petitioner is not entitled to any relief in this writ petition. More so, when the matter is taken up for hearing neither the petitioner appears nor there is any representation on his behalf. It appears that the petitioner is not interested in pursuing the matter.

Accordingly, the writ petition is also dismissed for non-prosecution. No costs.

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V. ESWARAIAH, J

September 5, 2006
DSK